

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/15/17  
**A Bill**

HOUSE BILL 2131

By: Representative K. Ferguson

**For An Act To Be Entitled**

AN ACT CONCERNING A SUSPENDED IMPOSITION OF SENTENCE;  
CONCERNING A CRIMINAL CONVICTION; CONCERNING  
SUSPENDING AN IMPOSITION OF SENTENCE WHEN A PERSON  
OWES RESTITUTION; AND FOR OTHER PURPOSES.

**Subtitle**

CONCERNING A SUSPENDED IMPOSITION OF  
SENTENCE; CONCERNING A CRIMINAL  
CONVICTION; AND CONCERNING SUSPENDING AN  
IMPOSITION OF SENTENCE WHEN A PERSON OWES  
RESTITUTION,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

*SECTION 1. Arkansas Code § 5-4-301(a), concerning the offenses for which a court may not place a person on probation or suspended imposition of sentence, is amended to read as follows:*

*(a)(1) A court shall not suspend imposition of sentence as to a term of imprisonment or place a defendant on probation for the following offenses:*

- (A) Capital murder, § 5-10-101;*
- (B) Treason, § 5-51-201;*
- (C) A Class Y felony, except to the extent suspension of an additional term of imprisonment is permitted in § 5-4-104(c);*
- (D) Driving or boating while intoxicated, § 5-65-103;*
- (E) Murder in the second degree, § 5-10-103, except to the extent suspension of an additional term of imprisonment is permitted in § 5-4-104(c); or*



(F) *Engaging in a continuing criminal enterprise, § 5-64-405.*

(2) *If it is determined ~~pursuant to~~ under § 5-4-502 that a defendant has previously been convicted of two (2) or more felonies, the court shall not:*

(A) *Suspend imposition of sentence; or*

(B) *Place the defendant on probation.*

(3) A court shall not sentence a person to a suspended imposition of sentence if the person owes restitution to a victim of the offense for which the person is being sentenced.

*SECTION 2. Arkansas Code § 5-4-303(f)(1), concerning conditions of suspension and probation, is amended to read as follows:*

*(f)(1) If the court ~~suspends imposition of sentence on a defendant or places him or her~~ a defendant on probation conditioned upon his or her making restitution under subdivision (c)(6) of this section, the court, by concurrence of the victim, defendant, and the prosecuting authority, shall determine the amount to be paid as restitution.*

*/s/K. Ferguson*